

INSTRUCTIONS

Read all forms and instructions before starting. Fill out forms by printing in blue ink or typing. Do not fill in un-numbered blanks on forms. You are the “Respondent”. Your spouse is the “Petitioner”.

Arizona Rules of Family Law Procedure: The Arizona Rules of Family Law Procedure describe the procedures and forms required in family law cases. You can read the Rules at the Law Library or online at <www.supreme.state.az.us/rules/ramd_pdf/R-05-0008.pdf>.

WARNING: Depending on the circumstances of your case, the Arizona Rules of Family Law Procedure may require you to complete procedures and forms not covered in this packet. You are required to read and follow all of the rules. If you do not, the court may impose sanctions on you. At a minimum, you must read and understand Section II, on Pleadings and Motions, Section VII, on Discovery and Disclosure, and Rule 92, on Civil Contempt and Sanctions for Non-Compliance with a Court Order.

Seeing an Attorney: It is always advisable to see an attorney to protect your legal rights and understand your legal responsibilities. An attorney can explain your complex options for dividing property and debts and advise you on what’s best for you and your family.

Notaries: Some forms must be signed in front of a notary. Notaries are at most banks or listed in the Yellow Pages. The person signing must bring photo ID. Notaries usually charge a fee.

Filing Fee: To find the fee to file court papers, see the Self-Help Center packet *Superior Court Filing Fees* or call the Clerk’s Office at 928-779-6535. The Clerk’s Office accepts only cash, money orders, and cashier’s checks payable to “Clerk of Superior Court”. If you can’t afford the fee, see the Self-Help Center packet *Filing Fee Deferral at the Start of Your Case*.

Filing Forms with the Court: Take or mail forms to be filed to the Clerk of Superior Court, 200 N. San Francisco St., Flagstaff, AZ 86001. Submit the original, one copy for yourself, and one copy for each person you must give a copy to, if any. The Clerk will stamp your copies with the filing date and return them to you. If you file by mail, include a self-addressed, stamped envelope and a note asking the Clerk to return the copies.

Domestic Violence: If the other party has committed or threatened to commit physical violence against you or your children, and you do not want the other party to know your address: 1) use a post office box on all your court forms or 2) see Rule 7, Arizona Rules of Family Law Procedure. See the Self-Help Center *Arizona Order of Protection Packet* if you need a court to order the other party to stay away from you.

Continuing group health benefits: In many cases, federal law lets an employee’s spouse and children temporarily continue group health benefits under the employer’s plan after the employee and spouse are legally separated or divorced. To qualify for this extension, you or your spouse must notify the employer of your separation or divorce within 60 days of the court’s signing the Decree. The beneficiary must pay the entire premium of the continued coverage; the employer makes no contribution.

STEP 1: READ THE PAPERS PETITIONER SERVED ON YOU

Petitioner should have filed the following papers with the court and served them on you. Read and make sure you understand *everything* Petitioner served on you.

Summons
Petition
Decree

Preliminary Injunction
Notice of Right to Convert Health Insurance
Notice Regarding Community Debts

STEP 2: DETERMINE HOW LONG YOU HAVE TO RESPOND

See the table below for how long you have to file a written response to the Petition. Find the date in the “After” column on a calendar. Start counting on the next day. Count off the days in the “Count” column, including weekends and holidays. If you want to file a response, you must do so by the last date you counted, unless it’s a weekend or court holiday, in which case you must do so by the next workday.

How Were the Papers Served?	If the Papers Were Served In Arizona*, Count:	If the Papers Were Served Outside of Arizona, Count:	After:
Acceptance of Service	20 days	30 days	Respondent signs the Acceptance of Service
Process Server	20 days	30 days	Respondent receives the papers from the process server
Sheriff or Tribal Law Enforcement	20 days	30 days	Respondent receives the papers from the officer
Certified Mail	20 days	30 days	Respondent signs the green card
Publication	30 days		30 days after the first publication

***If the Papers Were Served on an Indian Reservation in Arizona:** Depending on the facts and circumstances of the case, there *may* be more days for Respondent to respond. An attorney can advise you.

STEP 3: DECIDE HOW TO PROCEED

If Respondent Agrees with Everything in the Petition:

Respondent can: Not respond. Respondent may sign the Decree before the hearing to show the court he/she agrees. Respondent will lose the right to object to anything. See an attorney for other options.

Then Petitioner can: File for default. See the Self-Help Center packet *Filing for Default*.

The case will end: At a default hearing (unless Respondent files a Response within the default grace period).

If Respondent Disagrees with Something in the Petition:

Respondent can: File a Response.

Then either spouse can: Ask the court to schedule a trial if the court does not automatically schedule a hearing. See the Self-Help Center packet *How to Set Your Case for Trial*.

The case will end: At a trial.

If Respondent Fails to Respond on Time:

Petitioner can: File for default. See the Self-Help Center packet *Filing for Default*.

The case will end: At a default hearing (unless Respondent files a Response within the default grace period).

If Spouses Come to an Agreement After Respondent Files a Response:

Spouses can: See the Self-Help Center packet *Stipulation*.

The case will end: At a 15-minute hearing.

If Respondent Does Not File a Response, and Spouses Come to an Agreement Different from the Petition:

Spouses can: Fill out and sign a new Decree. File the new Decree with a note saying it is the most current Decree and both spouses signed it.

Then Petitioner can: File for default. See the Self-Help Center packet *Filing for Default*.
The case will end: At a default hearing (unless Respondent files a Response within the default grace period).

**STEP 4: IF RESPONDENT FILES A RESPONSE:
SEE FAMILY LAW RULES 49 AND 66**

If Respondent files a Response, you must meet the requirements of Rule 49, on disclosure, and Rule 66, on alternative dispute resolution, in the Arizona Rules of Family Law Procedure.

STEP 5: READ THE CONCILIATION COURT FACT SHEET

If you want to apply for counseling or mediation, see the Self-Help Center packet *Conciliation Court: Asking for Counseling or Mediation Services Before You Get a Court Order*. If you want to file a Response, you must do so before the default deadline even if you file for Conciliation Court.

**STEP 6: IF YOU DISAGREE WITH THE DIVISION OF PROPERTY OR DEBTS ASKED FOR
IN THE PETITION:
DECIDE HOW TO DIVIDE PROPERTY AND DEBTS**

You will enter how you want to divide property and debts on the Response.

Community Property and Debts: In general, community property is property (other than a gift or inheritance to one party) that you and your spouse acquire after you were married and before one spouse serves divorce papers on the other. See the Petition for a list of types of community property. One type of community property is retirement benefits (pension/retirement fund/profit sharing/stock plans/401k). Division of retirement benefits is a complicated area of the law. After the judge divides the retirement benefits, you will have to contact an attorney, accountant, or company representative to get the documents needed to access the retirement monies.

In general, community debts are debts you and your spouse acquire after you were married and before one spouse serves divorce papers on the other, no matter who spent the money. Generally, the court will order a fair division and will not give most or all of the property or debts to one spouse. If you and/or your spouse still owe money on a piece of property, the court will probably give that debt to the same spouse who gets that property. You may ask that real property be sold and the proceeds divided between you and your spouse. Community property and debts that are not listed on the Petition or Response will be considered still owned or owed by both you and your spouse.

Separate Property and Debts: In general, separate property is property you or your spouse acquire before you were married, after one spouse serves divorce papers on the other, or as an inheritance or gift to one party. Separate property may become commingled community property in some circumstances.

In general, separate debts are debts you or your spouse acquire before you were married or after one spouse serves divorce papers on the other.

The court usually will confirm that your separate property and debts are yours and your spouse's separate property and debts are your spouse's.

**STEP 7: IF YOU DISAGREE WITH THE DIVISION OF PROPERTY OR DEBTS ASKED FOR IN THE PETITION:
FILL OUT EXHIBIT A**

- (1) Check the box indicating whether you and your spouse have community property.
- (2) For the community real property, list the address, legal description on the deed (example: "Lot 77, Pine Tree Acres, According to Book 111 of Maps"), and equity (value minus debts). If you want it to go to you or spouse, check the box indicating who should get it. If you want it sold, check the box, and enter what percent of the net proceeds should go to each spouse.

Note: Be thorough and specific when describing community property. For example, under Household Furnishings, you could say "blue and white living room sofa". Use brand and model names and serial numbers wherever possible.

- (3) For each community bank account, list the bank's name and last four digits of the account number, check the box indicating who should get it, and list the balance.
- (4) For each piece of community furniture, list the description, check the box indicating who should get it, and list the value for which it could be sold.
- (5) For each community furnishing, list the description, check the box indicating who should get it, and list the value for which it could be sold.
- (6) For each piece of community property not covered above, list the description, check the box indicating who should get it, and list the value for which it could be sold.
- (7) For each community motor vehicle, list the make, model, lienholder, last four digits of the vehicle identification #; and amount owed; check the box indicating who should get it; and list the value for which it could be sold.
- (8) For each community retirement benefit, enter the fund name and the last four digits of the account number, the name on the account, and its value. Check the box indicating how you want the funds divided. If you check Option 3, enter the percentage of each account that should go to each spouse.
- (9) Check the box indicating whether you and your spouse have community debts. For each community debt, list the creditor and the last four digits of the account or credit card number, check the box indicating to whom it should be assigned, and list the amount owed.
- (10) Check the box indicating whether you and/or your spouse have separate property. For each piece of separate property, list the description, check the box indicating who should get it, and list the value for which it could be sold.
- (11) Check the box indicating whether you and/or your spouse have separate debts. For each separate debt, list the creditor and the last four digits of the account or credit card number, check the box indicating to whom it should be assigned, and list the amount owed.
- (12) Sign in front of a notary.

STEP 8: FILL OUT THE RESPONSE TO A PETITION FOR DIVORCE WITHOUT CHILDREN

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter Petitioner's and Respondent's names and the case number as they appear on the Petition.
- (3) Enter Petitioner's name; street address; city, state, and zip code; birthdate; phone number; and job title. Enter the number of years and/or months Petitioner has lived in Arizona in a row to date. If Petitioner doesn't live in Arizona now, check the box indicating whether Petitioner lived in Arizona at some time during your marriage.
- (4) Enter your name; street address; city, state, and zip code; birthdate; phone number; and job title. Enter the number of years and/or months you have lived in Arizona in a row to date. If you don't live in Arizona now, check the box indicating whether you lived in Arizona at some time during your marriage.
- (5) Enter the date and location of your marriage.
- (6) Check the box indicating whether the conciliation provisions have been met or do not apply. (See the Conciliation Court Fact Sheet in this packet.)

- (7) Check the box indicating whether you have a covenant marriage (if you don't know, see your marriage license or the Self-Help Center brochure *Covenant Marriage in Arizona*). If yes, attach a copy of your marriage license.
- (8) Check the box indicating whether you and/or Petitioner lived in Arizona, or Petitioner was stationed in Arizona while a member of the armed services, for at least the 90 days before Petitioner filed the Petition.
- (9) Check the box indicating whether you have biological or adopted children together and/or the wife is pregnant by the husband.
- (10) If you want a divorce, check the box.
- (11) If any of the following is true, check the box, and check each box that applies: 1) you have a covenant marriage; 2) your marriage is not irretrievably broken; or 3) neither you nor Petitioner lived in Arizona, and Petitioner was not stationed in Arizona as a member of the armed services, for the 90 days before Petitioner filed the Petition.
- (12) Spousal support is paid by one spouse to another when the other meets at least one requirement listed in the section of the Response called "Spousal Support". If you agree with the spousal support Petitioner asked for in the Petition, check the box.
- (13) If you do not agree with the spousal support Petitioner asked for in the Petition, check the box indicating whether the court should order spousal support. If so, check the box indicating who should receive the support, enter the amount to be paid monthly, and check the box next to each requirement that spouse meets. If you want the support to end before the receiving party is remarried or deceased, enter the date the support will end.
- (14) If you agree with the division of property and debts Petitioner asked for in the Petition, check the box.
- (15) If you do not agree with the division of property and debts Petitioner asked for in the Petition, check the box.
- (16) If you filled out Exhibit A, summarize how it is different from what Petitioner asked for in the Petition.
- (17) If you agree with the tax status Petitioner asked for in the Petition, check the box.
- (18) If you do not agree with the tax status Petitioner asked for in the Petition, enter how you want to file your taxes in the years before the judge signs the Decree. If you have questions, you should see a lawyer or accountant or contact the Internal Revenue Service (IRS).
- (19) Enter any other orders you want the court to issue.
- (20) Check the box indicating whether you will mail or hand-deliver a copy of this document to the other party on the day you file it.
- (21) Read the Response and make sure that you understand everything in it and that everything in it is true. Sign in front of a notary.

STEP 9: FILE THE FOLLOWING WITH THE COURT

- ☐ Response to a Petition for Divorce without Children, with the following attached if applicable:
 - ☐ Exhibit A
 - ☐ A copy of your marriage license

There is a fee to file the Response.

STEP 10: SERVE THE FORMS ON THE OTHER PARTY

Mail or hand-deliver a copy of the forms you filed to the other party on the day you file them. If the other party has an attorney, deliver them to the attorney.